

- 2 SEP 2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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FRANCENOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

REQU / RECEIVED

13 SEP. 2005

LESPÉRANCE & MARTINEAU

Date of mailing
(day/month/year)

31.08.2005

Applicant's or agent's file reference
BR 18364/M

IMPORTANT NOTIFICATION

International application No.
PCT/B 03/01523International filing date (day/month/year)
14.04.2003Priority date (day/month/year)
14.04.2003

Applicant

G. HOLDINGS LTD.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:European Patent Office
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BR 18364/M		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/IB 03/01523	International filing date (day/month/year) 14.04.2003	Priority date (day/month/year) 14.04.2003	
International Patent Classification (IPC) or both national classification and IPC G06K19/07			
Applicant G. HOLDINGS LTD.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 08.11.2004		Date of completion of this report 31.08.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Schauler, M Telephone No. +49 89 2399-7394 	

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INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

International application No. PCT/IB 03/01523

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-14 received on 22.07.2005 with letter of 19.07.2005

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 15
- ☐ the drawings, sheets:

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EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

see separate sheet

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3
	No: Claims	1,2,4-14
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	-

2. Citations and explanations

see separate sheet

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EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document:

D1: DE 101 46 804 A (PHILIPS CORP INTELLECTUAL PTY) 10 April 2003 (2003-04-10)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 10-14 is not new in the sense of Article 33(2) PCT.

The document D1 discloses a portable electronic device comprising: (the references in parentheses applying to this document):

- an electronic circuit (1) capable of storing data, capable of processing data and capable of data input (from data transceiver 3) and output (to display device 2).
- a control device (9) linked to said electronic circuit (1)
- a user interface (display 2) linked to said electronic circuit (1)
- a data transceiver (3) linked to said electronic circuit (1), said data transceiver being for exchange data between the electronic circuit (1) and an external device via interface (4) and for receiving an activation cue (signal voltage 25, cf paragraph [0058])
- a switching element (26) operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue (signal voltage 25) having been received by said data transceiver, and being inactive otherwise.
- power means for providing power (cf paragraph [0057])
- if said switching element is activated, data exchange will be initiated through said transceiver for exchanging data (cf Fig 2)
- if said switching element is in inactive state, data will be conveyed to the user interface (cf Fig 3)

Hence, the subject-matter of claims 1 and 10-14 is not new.

The document D1 further discloses:

- the use of a display as user interface device

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- the use of biometric parameters for activation of the device ([0045])
- the control device being a button ([0053])
- the switching element comprising a logical circuit ("switching logic" [0058])

Hence, the subject-matter of claims 2 and 4-9 is not new .

The feature that the data receiver is distinct from the data transmitter and the cue receiver is distinct from the data receiver is not disclosed in D1, but this is only a small constructional change which the skilled person would regard it a normal design option for a data transceiver device.

Therefore, the subject-matter of claim 3 does not involve an inventive step in the sense of Article 33(3) PCT.

Additional remarks

- The claims are not drafted in two-part-form (Rule 6.3(b) PCT)
- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.
- The features of the claims 1-14 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).